

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

JOSE ANTONIO TORREZ GODINEZ
Plaintiff

V.

**SEM EXPRESS LLC AND DARRON
LEON MURPHY**
Defendant

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**CIVIL ACTION NO.
5:20-cv-220**

**DEFENDANTS SEM EXPRESS LLC AND DARRON LEON MURPHY'S
NOTICE OF REMOVAL**

Defendants, **SEM EXPRESS LLC AND DARRON LEON MURPHY**, file this Notice of Removal for the purpose of removing this cause to the United States District Court for the Southern District of Texas, Laredo Division, based upon diversity jurisdiction and state as follows:

I. STATE COURT ACTION

1. This is an action filed on or about September 22, 2020, in the 49th Judicial District, Webb County, Texas (the “State Court”) being Cause No. **2020CVA001672D1** on the docket of the court (the “State Court Petition”), and being a suit by Plaintiff **JOSE ANTONIO TORREZ GODINEZ**, against Defendants **SEM EXPRESS LLC AND DARRON LEON MURPHY** for money damages arising from a commercial vehicle accident occurring on or about March 25, 2020 in Laredo, Webb County, Texas (the “Accident”). Plaintiffs allege claims of negligence against Defendant Murphy, and alleges claims of negligence and *respondeat superior*, negligent entrustment, and negligent hiring, training, and supervision against Defendant SEM EXPRESS LLC. Plaintiffs’ causes of action arise entirely under Texas state tort law.

II. FEDERAL JURISDICTION BASED ON DIVERSITY

2. Plaintiff **JOSE ANTONIO TORREZ GODINEZ** alleges that he is an individual and resident of Laredo, Webb County, Texas. Defendant, **DARRON LEON MURPHY** is an individual and resident of St. Louis, Missouri. Defendant, **SEM EXPRESS LLC**, has specifically denied that its registered agent for service of process is Brenda Guiroz of Bridge City, Texas. Defendant, **SEM EXPRESS LLC**, is a foreign limited liability company with its principal place of business in Missouri. Plaintiff's Original Petition states that Plaintiff Jose Antonio Torrez Godinez seeks monetary relief in excess of \$1,000,000.00, and that Plaintiff's damages exceed the Court's jurisdictional minimum and exceed \$75,001.00. Plaintiff has alleged serious injuries and damages, including medical care, lost wages and earning capacity, physical impairment, physical pain, emotional distress, and mental anguish, and disfigurement in the past and future. Plaintiff also alleges damages including property damages, loss of use, and diminution of value.

3. There is, therefore, complete diversity of citizenship and a sufficient amount in controversy to confer jurisdiction on this court pursuant to 28 U.S.C. § 1332 (a)(1). The above-described civil action is therefore one that may be removed pursuant to 28 U.S.C. §§ 1332, 1441, and 1146.

III. STATE COURT DOCUMENTS ATTACHED

4. Attached hereto are copies of all pleadings, process, and orders received or filed by the parties in the State Court pursuant to 28 U.S.C. § 1446(a). Also attached is a copy of the State Court docket sheet and the entire contents of the State Court file.

IV. EXHIBITS TO NOTICE OF REMOVAL

5. **The index of State Court documents are as follows:**

- A. **Docket Sheet** from the 49th Judicial District Court, Webb County, Texas;
- B. **Plaintiff's Original Petition with Written Discovery;**

- C. **Defendants' SEM Express, LLC and Darron Leason Murphy, Inc. Original Answer and Affirmative Defenses; and**
(Filed in State Court before Removal)
- D. **Notice of Filing of Removal.**
- E. **List of Counsel of Record.**

V. RELIEF REQUESTED

6. Defendants respectfully request that Cause No. 2020CVA001672D1 in the 49th Judicial District, Webb County, Texas, be removed to the United States District Court for the Southern District of Texas, Laredo Division - the district court and division of proper jurisdiction and venue, and that this court assume jurisdiction of this case and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial hereof.

Respectfully submitted,

LOPEZ PETERSON, PLLC

/s/ Christopher C. Peterson

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was forwarded via certified mail, return receipt requested, via facsimile and/or hand-delivered to the Plaintiff s attorney on the 22nd day of December, 2020, to-wit:

/s/ Christopher C. Peterson
Christopher C. Peterson